

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIASAT, INC.,

Plaintiff,

v.

WESTERN DIGITAL CORPORATION and
WESTERN DIGITAL TECHNOLOGIES, INC.,

Defendants.

Case No. 6:21-cv-01230-ADA

**DECLARATION OF L. KIERAN KIECKEHEFER IN SUPPORT OF WESTERN
DIGITAL TECHNOLOGIES, INC.'S OPPOSED MOTION TO STRIKE VIASAT'S
PRELIMINARY INFRINGEMENT CONTENTIONS**

I, L. Kieran Kieckhefer, declare as follows:

1. I am a Partner at Shearman & Sterling LLP. Shearman & Sterling LLP is counsel of record for Defendant Western Digital Technologies, Inc. ("WDT") in the above-captioned action.
2. I submit this declaration in support of WDT's Opposed Motion to Strike Plaintiff Viasat, Inc.'s ("Viasat's") Preliminary Infringement Contentions in the above-captioned action. I submit this declaration based upon my personal knowledge and my investigation of the facts below. If called upon to testify, I could and would testify competently to these facts.
3. Attached hereto as Exhibit A is a true and correct copy of Viasat's Preliminary Infringement Contentions dated April 15, 2022 ("PICs").
4. On June 22, 2022, as a courtesy, WDT provided a table correlating accused products that include WDT's Sentinel Technology ("Sentinel") to certain produced documents and internal product and code names. This same table indicated that certain products listed in Viasat's

PICs did not include Sentinel. In a July 2, 2022 letter, WDT further informed Viasat that certain products listed in Viasat's PICs do not include flash memory.

5. After several calls and email exchanges, I conferred with counsel for Viasat on whether Viasat would oppose the present motion. During these communications, I offered to provide Viasat with a WDT declaration confirming that certain products listed in Viasat's PICs do not include Sentinel in order to avoid presenting this dispute to the Court—or, at least, to see if the parties could resolve the issues amongst themselves. Viasat refused my offer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 15, 2022 in San Francisco, CA.

/s/L. Kieran Kieckhefer

L. Kieran Kieckhefer